

The Johnson O'Malley Supplemental Indian Education Program Modernization Act

Background

The Johnson-O'Malley (JOM) program is authorized by the Johnson-O'Malley Act of 1934 to provide contracts operated under an educational plan as approved by the Bureau of Indian Education (BIE) to address the academic and cultural needs of the eligible American Indian and Alaska Native students.

JOM awards supplemental assistance to tribal organizations, school districts, and other partner organizations to address the unique cultural and academic needs of Native American students in public schools – where more than 90 percent of Native students attend. In 1995, the Bureau of Indian Affairs (BIA) conducted its most recent official JOM student count for purposes of providing its yearly funding distribution, which included 271,884 eligible Native students. However, according to the U.S. Census Bureau, there were 798,486 qualified American Indian and Alaska Native students in the JOM-eligible age group in 2010, illustrating a substantial portion of unserved students.

Congress has raised concern about the persistent inaccuracy of eligible student counts and has directed the BIE, in coordination with the Department of Education and in consultation with tribes, to update the student count. However, the BIE has only provided several incomplete, inaccurate, and subsequently unofficial eligible student counts, including one initiated as recently as 2014.

Due to inaccurate eligible student numbers, tribes and national Native organizations, such as the National Congress of American Indians, the National Indian Education Association, and the National Johnson O'Malley Association, have called for the temporary use of a uniform allocation funding formula based on existing, reliable information, such as Census Bureau and/or National Center for Education Statistics (NCES) data. Native partners have also called on the federal government to work openly and directly with tribal communities to identify and develop a new eligible student count structure to ensure the creation of timely student counts that increase coordination with local JOM program contractors.

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Specifically, the JOM Modernization Act, as amended, would:

- Direct the Secretary of the Interior, in coordination with the BIE Director, to take practicable steps to ensure full participation of all qualified students in the JOM program;
- Require the Secretary to provide a count of eligible Indian students based on available data, and direct DOI to consult with JOM contractors to reconcile available data.
- Enable the Secretary to identify additional potential sources of funding for the JOM program to facilitate the restoration of funds to previous levels;
- Ensure a proactive and coordinated effort to increase participation in the JOM program by identifying tribal organizations and school districts with currently unserved students;
- Call for a Negotiated Rulemaking to determine if the funding formula and eligibility definitions should be updated under the program to increase clarity; and
- Require an annual program assessment report to Congress and call for a GAO report regarding various facets of the program.